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U.S.D.C. S.D. N.Y.  
CASHIER

NY 238,721,936v2 3/13/2008

**THE PARTIES**

1. Plaintiff Diane von Furstenberg Studio, L.P. is a limited partnership, organized and existing under the laws of Delaware, with offices at 440 W. 14th Street, New York, New York 10014.

2. Upon information and belief, Defendant Target Corporation is a Minnesota corporation, with its principal place of business and executive offices at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Target Corporation owns and operates more than 1500 Target retail stores throughout the United States, including in New York and owns and operates Target's web store located at the url of <www.target.com>, which distributes products throughout the United States, including New York and this District.

3. Upon information and belief, Defendant Target Brands, Inc. is a Minnesota corporation, with its principal place of business and executive offices at 1000 Nicollet Mall, Minneapolis, Minnesota 55403. Defendant Target Brands, Inc. is a subsidiary of Target Corporation and manufactures, imports, markets, and distributes products to Target stores throughout the United States and the State of New York and on the Internet at Target's web store located at the url of <www.target.com>, which distributes products throughout the United States, including New York and this District.

4. Upon information and belief, Defendant Kandy Kiss of California, Inc. ("Kandy Kiss") is a California corporation, with its principal place of business and executive offices at 13931 Balboa Blvd., Sylmar, California 91436.

5. Upon information and belief, Millwork Trading Company, Ltd. ("Millwork") is a Delaware corporation with its principal place of business and executive offices at 1359

Broadway, New York, NY 10018. Collectively, Target Corporation, Target Brands, Inc., Kandy Kiss and Millwork are collectively referred to as "Defendants."

### **JURISDICTION AND VENUE**

6. This is an action for: (a) copyright infringement in violation of the Copyright Act, 17 U.S.C. §§501, *et. seq.*; (b) unfair competition and false designation of origin in violation of 15 U.S.C. §1125(a); (c) unlawful and deceptive acts and practices in violation of N.Y. Gen. Bus. Law §349; and (d) unfair competition under New York state law, all of which activities have occurred in this District and elsewhere in interstate commerce.

7. Subject matter jurisdiction for the claim of copyright infringement and unfair competition and false designation of origin is proper in this Court pursuant to 28 U.S.C. §§1331, 1332, 1338(a), 17 U.S.C. §501 and 15 U.S.C. §1125(a). Supplemental jurisdiction for the state law claims of unlawful deceptive acts and practices and unfair competition is proper in this Court pursuant to 28 U.S.C. §1367 because these claims form part of the same case or controversy as the claim for copyright infringement.

8. This Court has personal jurisdiction over Defendants in that Defendants conduct business throughout the State of New York, including this District.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that Defendants are transacting business within this District. Further, venue is appropriate since a substantial portion of the acts complained of herein were committed by Defendants within this District.

**FACTUAL BACKGROUND**

**DVF'S PRODUCTS AND SALE OF ITS COPYRIGHTED DESIGNS**

10. Ms. Diane von Furstenberg has been a fixture in the American fashion world since arriving in New York in 1972 with her signature jersey dresses. By 1976, Ms. von Furstenberg had sold more than five million of her iconic 'wrap' dresses, and came to symbolize female independence, professionalism and freedom to an entire generation.

11. In 1997, Ms. von Furstenberg established Diane von Furstenberg Studio L.P. ("DVF") to sell her signature line of dresses and other women's apparel. Currently, DVF is a leader in the design, development, manufacture, advertising, marketing, distribution, licensing, and sale of designer dresses as well as other women's apparel, accessories, footwear, jewelry, cosmetics, luggage, and other luxury goods (collectively, "DVF Products").

12. DVF is the owner of numerous trademark registrations for its marks as well as numerous U.S. copyright registrations for its original print and fabric designs.

13. DVF Products have become favorably known throughout the World for their distinctive style, high-quality materials, and superior designs. Genuine DVF Products are easily identified by the mark DIANE VON FURSTENBERG and other marks and by their distinctive fabric designs, many of which have been registered with the U.S. Copyright Office.

14. As a result of the high-quality and superb design of DVF Products, these products have achieved an outstanding reputation among consumers, especially fashion-conscious women. DVF's trademarks and copyrighted prints themselves have become well and favorably known in the industry and to the public as the exclusive source of DVF Products and have come to symbolize the goodwill built up in DVF Products.

15. DVF Products are sold in high-end department stores, such as Barneys, Neiman Marcus and Saks Fifth Avenue, as well as through DVF's web store located at the url of <www.dvf.com>.

16. DVF's marketing efforts, combined with its attention to quality, design and construction, have resulted in hundreds of millions of dollars of sales of DVF Products.

17. DVF and DVF Products have been the subject of much unsolicited, laudatory press coverage in various media, including editorial coverage in the world's leading fashion and lifestyle magazines.

18. At certain times during the year, DVF releases collections of its new dress and clothing designs. These collections are shown for the first time at DVF's fashion shows during the New York Fall and Spring fashion weeks and other times during the year, and then released to consumers during the coming months. These new collections are greeted with widespread media coverage. Consumers and the general public have come to recognize DVF's original print designs in the collections as emanating from DVF.

19. One such print design exclusively owned by DVF is known as "Spotted Frog" (the "Spotted Frog Design"). DVF created the Spotted Frog Design in 2006 and has registered the Spotted Frog Design with the U.S. Copyright Office, including a version of this design featuring distinctive black and cream spots over a background of repeating lighter cream and darker cream horizontal stripes under the title "DVF Falling Spotted Frog." A true and correct copy of the Certificate of Registration for U.S. Copyright Registration No. VAu704-973 registered on September 13, 2006 for "DVF Falling Spotted Frog" is attached hereto as Exhibit A.

20. DVF first introduced the Spotted Frog Design in its Spring 2007 Fashion Show during New York Fashion Week in September 2006. Since then, DVF has used the Spotted Frog Design on various styles of dresses, luggage, handbags, swimwear and other DVF Products. True and correct copies of photographs of DVF's Spotted Frog Design are attached hereto as Exhibit B.

21. The copyright registration of the Spotted Frog Design creates a legal presumption in favor of DVF with respect to the ownership of and validity of the copyright in the Spotted Frog Design.

22. Another such print design exclusively owned by DVF is known as "Scattered Stones" (the "Scattered Stones Design"). DVF has registered a collection of the Scattered Stones Designs with the U.S. Copyright Office, including a version of this design featuring distinctive medium-sized navy blue stones. The Scattered Stones Design collection is the subject of U.S. Copyright Registration No. Vau-711-001, registered on September 11, 2006. A true and correct copy of the Certificate of Registration for the Scattered Stones Design collection is attached hereto as Exhibit C.

23. DVF first introduced its Scattered Stones Design in its Spring 2007 Fashion Show during New York Fashion Week in September 2006, the same fashion show in which it first introduced its Spotted Frog Design. Since then, DVF has used the Scattered Stones Design extensively on various styles of dresses, tops, swimwear, beach cover-ups and other DVF Products. True and correct copies of photographs of DVF's Scattered Stones Design are attached hereto as Exhibit D.

**DEFENDANTS' INFRINGING CONDUCT**

24. Without authorization or license from DVF, Defendants have produced and marketed, advertised, distributed, offered for sale and sold various styles of dresses and tops bearing prints that are nearly identical to DVF's Spotted Frog Design and to DVF's Scattered Stones Design (the "Infringing Garments").

25. Specifically, one of the Infringing Garments is a dress bearing a nearly identical copy of the scale, pattern and colorways of DVF's Spotted Frog Design ("Spotted Frog Infringing Dress"). The Spotted Frog Infringing Dress is a 'wrap' dress made of materials designed to look like silk jersey, a style consumers and the general public have come to associate with DVF. True and correct copies of photographs of a Spotted Frog Infringing Dress are attached hereto as Exhibit E.

26. The Spotted Frog Infringing Dresses were being produced under the 'Merona' label and sold in Target Corporation's retail stores and on-line through its Target web store as 'Merona Animal Print Wrap Dress'. True and correct copies of printouts from Target's web store located at the url of <www.target.com> demonstrating Target and Target Corporation's offer for sale of the Spotted Frog Infringing Dresses are attached hereto as Exhibit F.

27. Upon information and belief, Defendant Target Brands, Inc. owns and controls the trademark 'Merona' for goods in International Class 25, including, *inter alia*, women's dresses, and arranged for the production, offered for sale and sold the Spotted Frog Infringing Dresses under the 'Merona' label.

28. Upon information and belief, Defendant Kandy Kiss manufactured or arranged for the manufacture of the Spotted Frog Infringing Dresses on behalf of Defendant Target Brands, Inc.

29. All Defendants, except for Defendant Millwork, have profited from the unauthorized production, distribution, and sale of the Spotted Frog Infringing Dresses bearing DVF's Spotted Frog Design.

30. Upon information and belief, the Spotted Frog Infringing Dresses were first released by for sale well after DVF's registration of its Spotted Frog Design and well after its first publication in September 2006 and subsequent widespread sales.

31. Two of the other Infringing Garments are a tunic and a top both bearing a nearly identical copy of the scale, pattern and colorways of DVF's Scattered Stones Design ("Scattered Stones Infringing Garments"). True and correct copies of photographs of the Scattered Stones Infringing Garments are attached hereto as Exhibit G.

32. The Scattered Stones Infringing Garments were being sold in Target Corporation's retail stores and on-line through its Target web store as "Mossimo® Black: Short-Sleeve Belted Tunic Top - Blue Egg" and as "Women's Plus Size Mossimo® Black: Short Sleeve Shirt with Tie Blue/ Angel Food." True and correct copies of printouts from Target's web store located at the url of <www.target.com> demonstrating the offer for sale of the Scattered Stones Infringing Garments are attached hereto as Exhibit H.

33. Upon information and belief, Defendant Target Brands, Inc. owns an exclusive license to produce and sell womenswear under the 'Mossimo® Black' label in Target Corporation's retail stores and on-line through its Target web store located at the url of <www.target.com> and arranged for the production, offered for sale and sold the Scattered Stones Infringing Garments.



34. Upon information and belief, a division of Defendant Millwork called Oxford Collections manufactured or arranged for the manufacture of the Scattered Stones Infringing Garments on behalf of Defendant Target Brands, Inc.

35. Upon information and belief, the Scattered Stones Infringing Garments were first released for sale well after DVF's registration of its Scattered Stones Design and first publication of the Scattered Stones Design in September 2006 and subsequent widespread sales.

36. All Defendants, except for Defendant Kandy Kiss, have profited from the unauthorized production, distribution, and sale of the Scattered Stones Infringing Garments bearing DVF's Scattered Stones Design.

37. Upon information and belief, Defendants' infringement, except for Defendant Kandy Kiss, is willful, done with knowledge of and/or reckless disregard for DVF's rights in its Scattered Stones Design.

**FIRST CLAIM FOR RELIEF**  
**COPYRIGHT INFRINGEMENT**  
**(17 U.S.C. §§501, et. seq.)**

38. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

39. DVF is the owner of all right, title and interest in and to its Spotted Frog Design and Scattered Stones Design.

40. DVF has never authorized, licensed or otherwise permitted Defendants to manufacture, distribute or sell copies of its Spotted Frog Design and Scattered Stones Design.

41. Defendants have copied DVF's Spotted Frog Design and Scattered Stones Design by manufacturing and/ or arranging for manufacture of, advertising, distributing, offering for sale and selling the Infringing Garments, which bear print designs identical or

nearly identical to DVF's Spotted Frog Design and DVF's Scattered Stones Design, respectively.

42. As a direct and proximate result of Defendants' unauthorized use of the Spotted Frog Design and the Scattered Stones Design, DVF has suffered damages to its valuable Spotted Frog Design and the Scattered Stones Design, and other damages in an amount to be proved at trial.

43. Defendants have realized unjust profits, gains and advantages as a proximate result of their infringement.

44. DVF does not have an adequate remedy at law, and will continue to be damaged by Defendants' copyright infringement unless this Court enjoins Defendants from such infringing practices.

**SECOND CLAIM OF RELIEF**  
**UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN**  
**(15 U.S.C. § 1125(a))**

45. DVF repeats and realleges the preceding paragraphs as if fully set forth herein.

46. DVF has built up valuable goodwill in the distinctive appearance of its Spotted Frog Design and the Scattered Stones Design on genuine DVF Products.

47. The consumers and the general public have come to associate the Spotted Frog Design and the Scattered Stones Design with DVF Products as emanating exclusively from DVF.

48. The Infringing Garments are nearly identical or substantial similar to genuine DVF Products which bear the Spotted Frog Design and the Scattered Stones Design, and as such, Defendants' sale of the Infringing Garments is likely to cause confusion to the general purchasing public.

49. By manufacturing and/ or arranging for the manufacture of, advertising, distributing, offering for sale and selling identical replicas of DVF Products bearing the Spotted Frog Design and the Scattered Stones Design, Defendants misrepresented and falsely described to the general public the origin and source of the Infringing Garments and have created a likelihood of confusion by ultimate purchasers and to others seeing the Infringing Garments as to both the source and sponsorship of such merchandise.

50. Defendants' unlawful, unauthorized and unlicensed manufacturing, advertising, distributing, offering for sale and/or selling of the Infringing Garments create express and implied misrepresentations that the Infringing Garments were created, authorized or approved by DVF, all to Defendants' profit and DVF's great damage and injury.

51. Defendants have realized unjust profits, gains and advantages as a proximate result of its unfair competition.

52. DVF has no adequate remedy at law. If Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

**THIRD CLAIM OF RELIEF**  
**UNLAWFUL DECEPTIVE ACTS AND PRACTICES**  
**(New York General Business Law § 349)**

53. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

54. Defendants, without DVF's authorization or consent, and having knowledge of DVF's well-known and prior rights in the Spotted Frog Design and the Scattered Stones Design have manufactured and/ or arranged for the manufacture of, advertised, distributed, offered for sale and sold Infringing Garments to the consuming public in direct competition with DVF Products.

55. Defendants' use of copies or simulations of DVF's Spotted Frog Design and DVF's Scattered Stones Design is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Infringing Garments, and is likely to deceive the public into believing the Infringing Garments being sold by Defendants originate from, are associated with, or are otherwise authorized by DVF.

56. Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

57. Defendants have realized unjust profits, gains and advantages as a proximate result of their unlawful deceptive acts and practices.

58. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

**FOURTH CLAIM OF RELIEF**  
**UNFAIR COMPETITION UNDER NEW YORK STATE LAW**

59. DVF repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

60. DVF has built up valuable goodwill in its Spotted Frog Design and its Scattered Stones Design.

61. Defendants' use of DVF's Spotted Frog Design and DVF's Scattered Stones Design is likely to and does permit Defendants to palm off the Infringing Garments as those of DVF, all to the detriment of DVF and the unjust enrichment of Defendants.

62. Defendants, upon information and belief, with full knowledge of the fame of DVF and its Spotted Frog Design and the Scattered Stones Design, intended to and did trade on

the goodwill associated with the Spotted Frog Design and the Scattered Stones Design on DVF Products and have misled and will continue to mislead the public into assuming a connection between DVF and Defendants by manufacturing, arranging for the manufacture, advertising, selling and/or distributing the Infringing Garments.

63. Defendants' unauthorized use of the DVF's Spotted Frog Design and DVF's Scattered Stones Design has caused and is likely to continue to cause DVF damage by tarnishing the valuable reputations and images associated with DVF and its genuine goods. Defendants have further palmed off its goods as DVF Products by misrepresentations to the consuming public, members of whom are likely to and do believe the Infringing Garments emanate from or are otherwise associated with DVF.

64. The acts of Defendants mislead and deceive the public as to the source of Defendants' goods, permit and accomplish the palming off of Defendants' goods as those of DVF and falsely suggest a connection with DVF, and therefore constitute acts of unfair competition with DVF in violation of the laws of the State of New York.

65. Defendants have realized unjust profits, gains and advantages as a proximate result of their unfair competition.

66. Defendants' acts have and will continue to cause DVF irreparable harm unless enjoined by this Court. DVF has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief against Defendants, jointly and severally:

1. That Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them be permanently enjoined from directly or indirectly infringing DVF's Spotted Frog

Design and DVF's Scattered Stones Design in any manner, including, but not limited to, reproducing, adapting, and/or displaying DVF's Spotted Frog Design and DVF's Scattered Stones Design by distributing, importing, exporting, advertising, selling, and/or offering for sale, or causing others to do so, any product, including without limitation, clothing bearing designs substantially similar to DVF's Spotted Frog Design and DVF's Scattered Stones Design;

2. That Defendants be required to effectuate the recall, removal, and return from commercial distribution and/or public display of:

(a) Any products bearing a design identical or substantially similar to DVF's Spotted Frog Design and DVF's Scattered Stones Design distributed, imported, exported, advertised, sold, and/or offered for sale by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them, including, without limitation, that design shown in Exhibits E- H annexed hereto; and

(b) Any promotional and/or advertising materials, packaging, or other items bearing designs substantially similar to DVF's Spotted Frog Design and DVF's Scattered Stones Design used or displayed by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them; and

(c) Any pattern, or other item used by Defendants, their officers, agents, servants, employees, representatives, confederates, successors and assigns, and all persons and entities acting for, with, by, through, or under them, to manufacture any product, promotional and/or advertising materials, packaging, or other item bearing

designs substantially similar to DVF's Spotted Frog Design and DVF's Scattered Stones Design;

3. That Defendants be required to deliver up for destruction all of the items called for by Paragraph 2 of this Prayer for Relief, above, as well as any remaining products, advertising, packaging, patterns, or other items bearing designs substantially similar to DVF's Spotted Frog Design and DVF's Scattered Stones Design, that are in Defendants' custody or control;

4. That Defendants, within thirty (30) days after service of judgment with notice of entry thereof upon it, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth the details of how Defendants have complied with Paragraphs 1 through 3 of this Prayer for Relief, above;

5. For an award of actual damages sustained by Plaintiff;

6. For an award of Defendants' profits attributable to their copyright infringement;

7. If elected by Plaintiff, for the maximum statutory damages as permitted under the Copyright Act;

8. For such other amounts as may be proper under 17 U.S.C. § 504;

9. For an award of costs and attorneys' fees pursuant to 17 U.S.C. § 505;

10. For prejudgment interest as permitted by law; and

11. For such other and further relief as the Court deems just and proper.


#### **DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a jury trial on all triable issues raised by this Complaint.

Respectfully submitted,

DATED: March 14, 2008

GREENBERG TRAURIG, LLP

By   
\_\_\_\_\_  
Harley T. Lewin (HL 1819)  
Scott Gelin (SG 9599)  
200 Park Avenue  
New York, New York 10166  
Tel: (212) 801-9200  
Fax: (212) 801-6400

*Attorneys for Plaintiff*  
*Diane von Furstenberg Studio, L.P.*



# EXHIBIT A

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*  
Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts

REGI **VAu704-973**



EFFECTIVE DATE OF REGISTRATION

**SEP 13 2006**

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**

Title of This Work ▼

NATURE OF THIS WORK ▼ See Instructions

DVF FALLING SPOTTED FROG

Fabric/Items of Clothing

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼ Number ▼ Issue Date ▼ On Pages ▼

**2**

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided; give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes  
☐ No

Author's Nationality or Domicile

OR Name of Country U.S.A.  
Citizen of  
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☒ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

Name of Author ▼

Dates of Birth and Death

Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

☒ Yes  
☐ No

Author's Nationality or Domicile

OR Name of Country  
Citizen of  
Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☒ No  
Pseudonymous? ☐ Yes ☒ No  
If the answer to either of these questions is "Yes," see detailed instructions.

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☐ 3-Dimensional sculpture ☐ Map ☐ Technical drawing  
☐ 2-Dimensional artwork ☐ Photograph ☐ Text  
☐ Reproduction of work of art ☐ Jewelry design ☐ Architectural work

**3**

Year in Which Creation of This Work Was Completed

2006

This information must be given in all cases.

Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published. Month Day Year

Nation

**4**

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Diane von Furstenberg Studio  
389 West 12th Street  
New York, New York 10014

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED  
**SEP 13 2006**

ONE DEPOSIT RECEIVED

**SEP 13 2006**

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

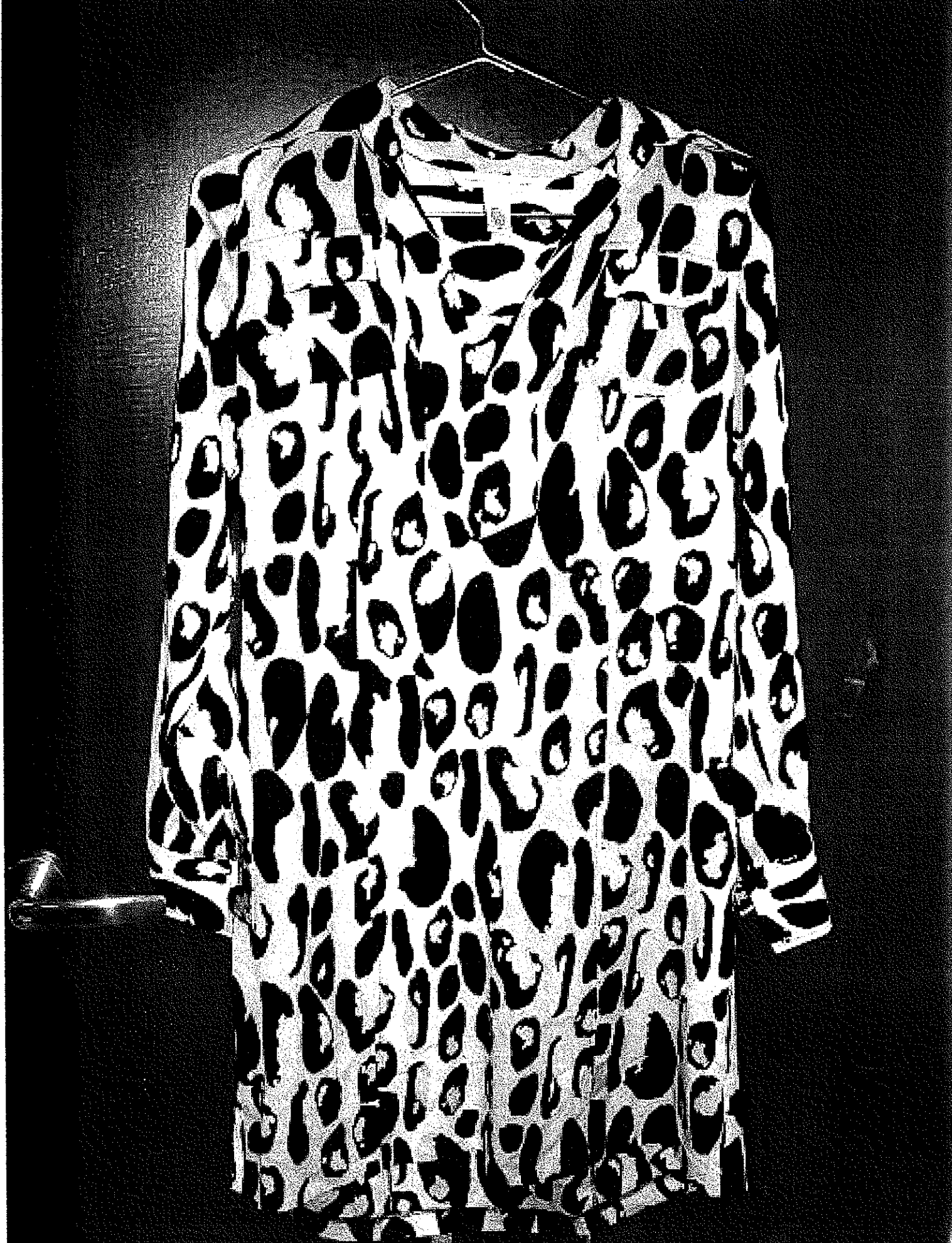
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Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at the 8.

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Page 1 of 2 pages

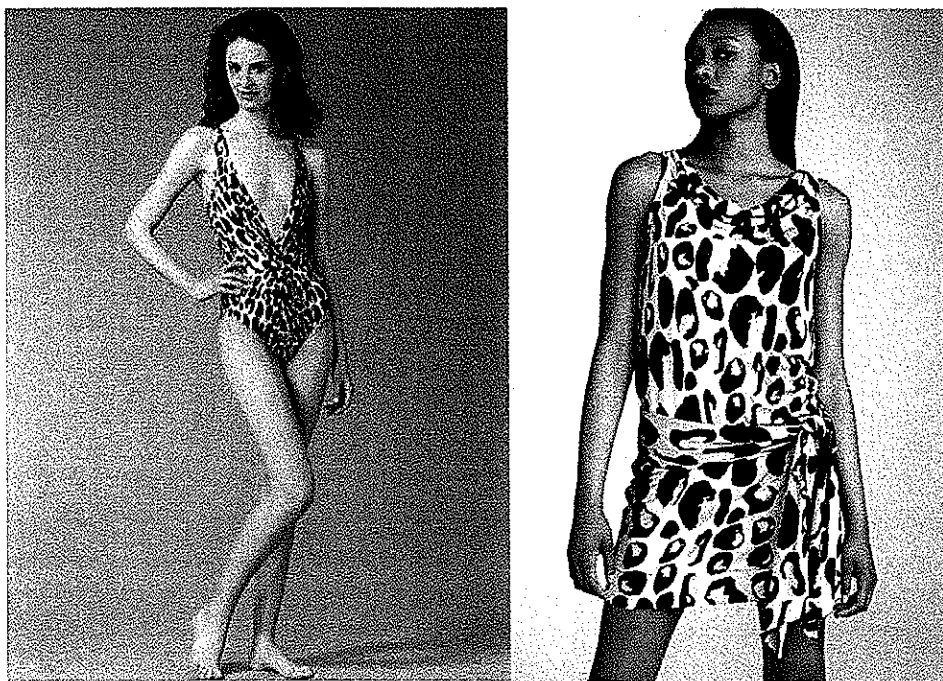
# EXHIBIT B





DIANE VON FURSTENBERG

SHELL:  
95% SILK  
5% LYCRA  
MADE IN  
CHINA



# EXHIBIT C



## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

**Form VA**  
For a Work of the Visual Arts  
UNITED STATES COPYRIGHT OFFICE

VAu 711-001



EFFECTIVE DATE OF REGISTRATION

**SEP 11 2006**

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**1**

Title of This Work ▼

SCATTERED STONES

NATURE OF THIS WORK ▼ See Instructions

Fabric/Items of Clothing

Previous or Alternative Titles ▼

Publication as a Contribution If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

**2**

**NOTE**

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in this space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

a Diane von Furstenberg Studio LP

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR Citizen of U.S.A.

Domiciled in

Was This Author's Contribution to the Work

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

Nature of Authorship Check appropriate box(es). See Instructions

☐ 3-Dimensional sculpture

☒ 2-Dimensional artwork

☐ Reproduction of work of art

☐ Map

☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

Name of Author ▼

b

Dates of Birth and Death

Year Born ▼

Year Died ▼

Was this contribution to the work a "work made for hire"?

☐ Yes

☐ No

Author's Nationality or Domicile

Name of Country

OR Citizen of

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☐ Photograph

☐ Jewelry design

☐ Technical drawing

☐ Text

☐ Architectural work

**3**

a Year in Which Creation of This Work Was Completed

2006

This information must be given in all cases.

b Date and Nation of First Publication of This Particular Work

Complete this information ONLY if this work has been published.

Month

Day

Year

Nation

**4**

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Diane von Furstenberg Studio LP

389 14th Street

New York, New York 10014

Transfer If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ►

• Complete all applicable spaces (numbers 5-9) on the reverse side of this page.  
• See detailed instructions.  
• Sign the form at the B.

DO NOT WRITE HERE

Page 1 of \_\_\_\_\_ pages



EXAMINED BY

*M. A. W. R. B.*

FORM VA

CHECKED BY

☐ CORRESPONDENCE

Yes

FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼a. ☐ This is the first published edition of a work previously registered in unpublished form.b. ☐ This is the first application submitted by this author as copyright claimant.c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

a. Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

a  
See instructions  
before completing  
this space.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt/City/State/Zip ▼

Abigail Klem, Director of Licensing and New Business  
Diane von Furstenberg Studio 389 West 12th Street New York, NY 10014

a

b

Area code and daytime telephone number (212) 741-6607

Fax number (212) 741-8273

Email

CERTIFICATION\* I, the undersigned, hereby certify that I am the

check only one ►

☒ author☐ other copyright claimant☐ owner of exclusive right(s)☒ authorized agent of

Diane von Furstenberg Studio

Name of author or other copyright claimant, or owner of exclusive right(s) a.

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Paula Sutter

Date August 31, 2006

Handwritten signature (X) ▼

X

Certificate  
will be  
mailed in  
window  
envelope  
to this  
address:

Name ▼

Abigail Klem

Number/Street/Apt ▼

Diane von Furstenberg Studio 389 West 12th Street

City/State/Zip ▼

New York, NY 10014

## YOU MUST:

- Complete all necessary spaces.
- Sign your application in space 8.

SEND ALL 3 ELEMENTS  
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

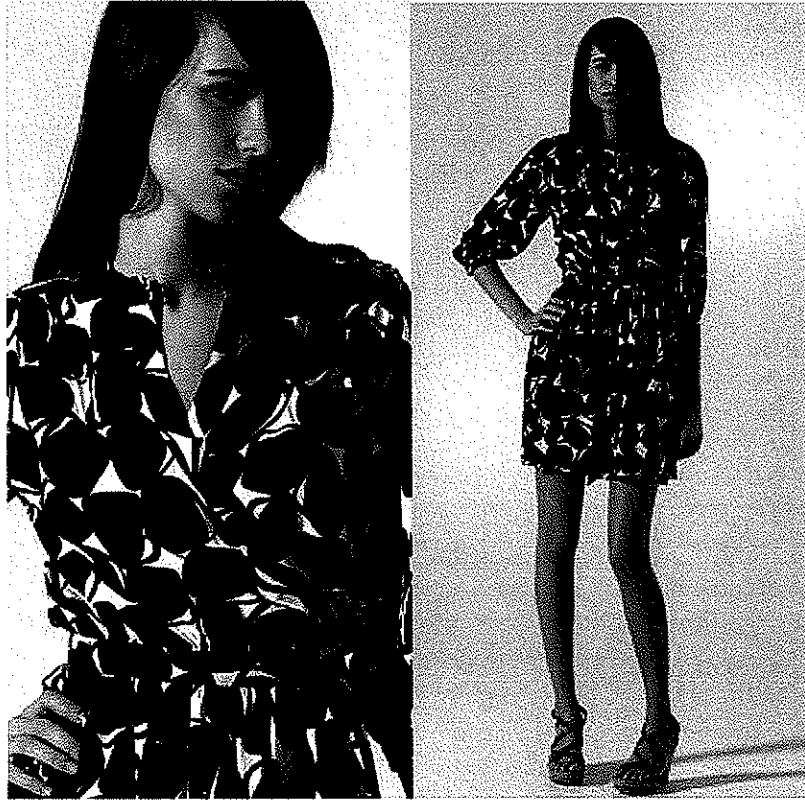
## MAIL TO:

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Copyright Office  
101 Independence Avenue SE  
Washington, DC 20559-0000

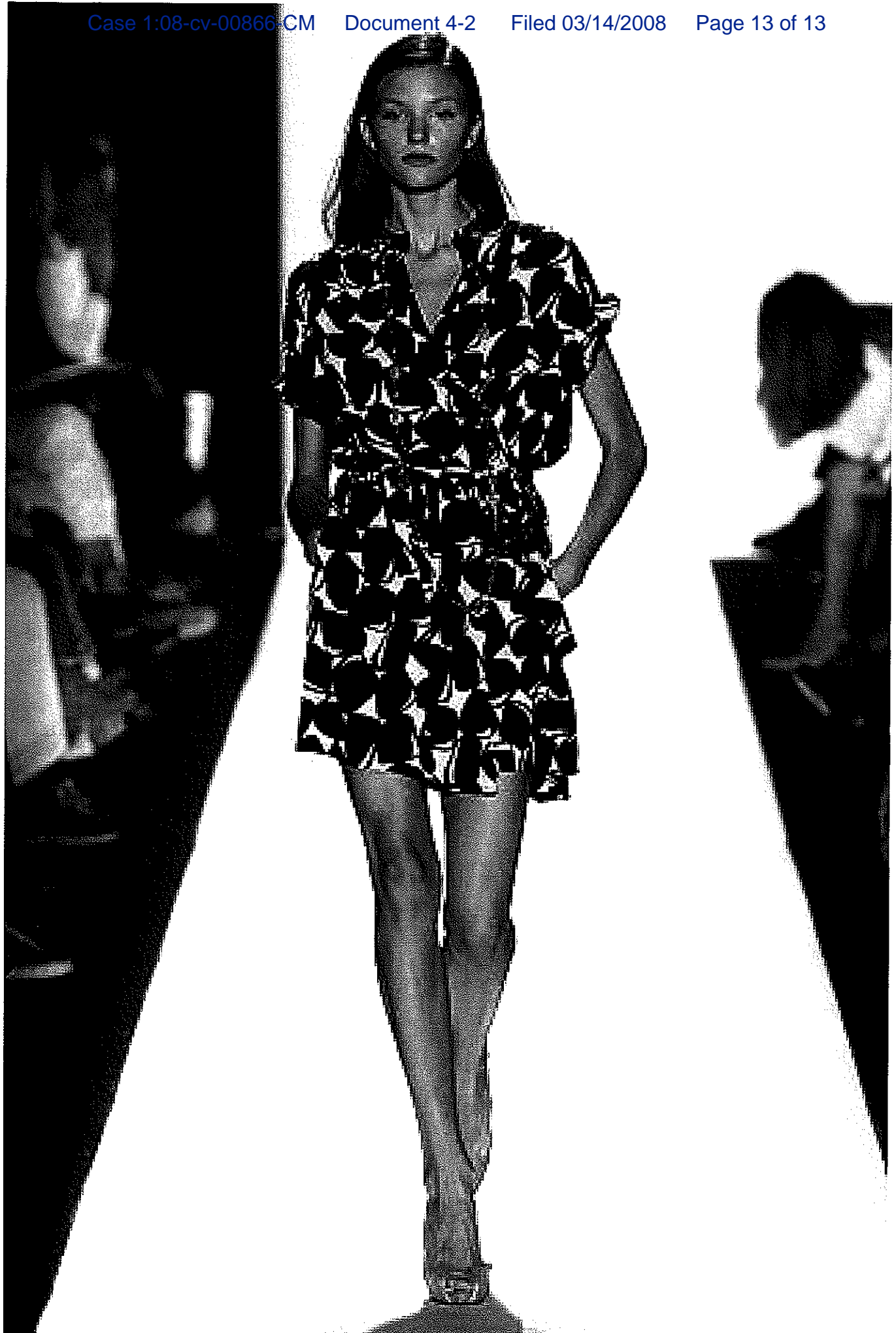
9

\*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.

# EXHIBIT D

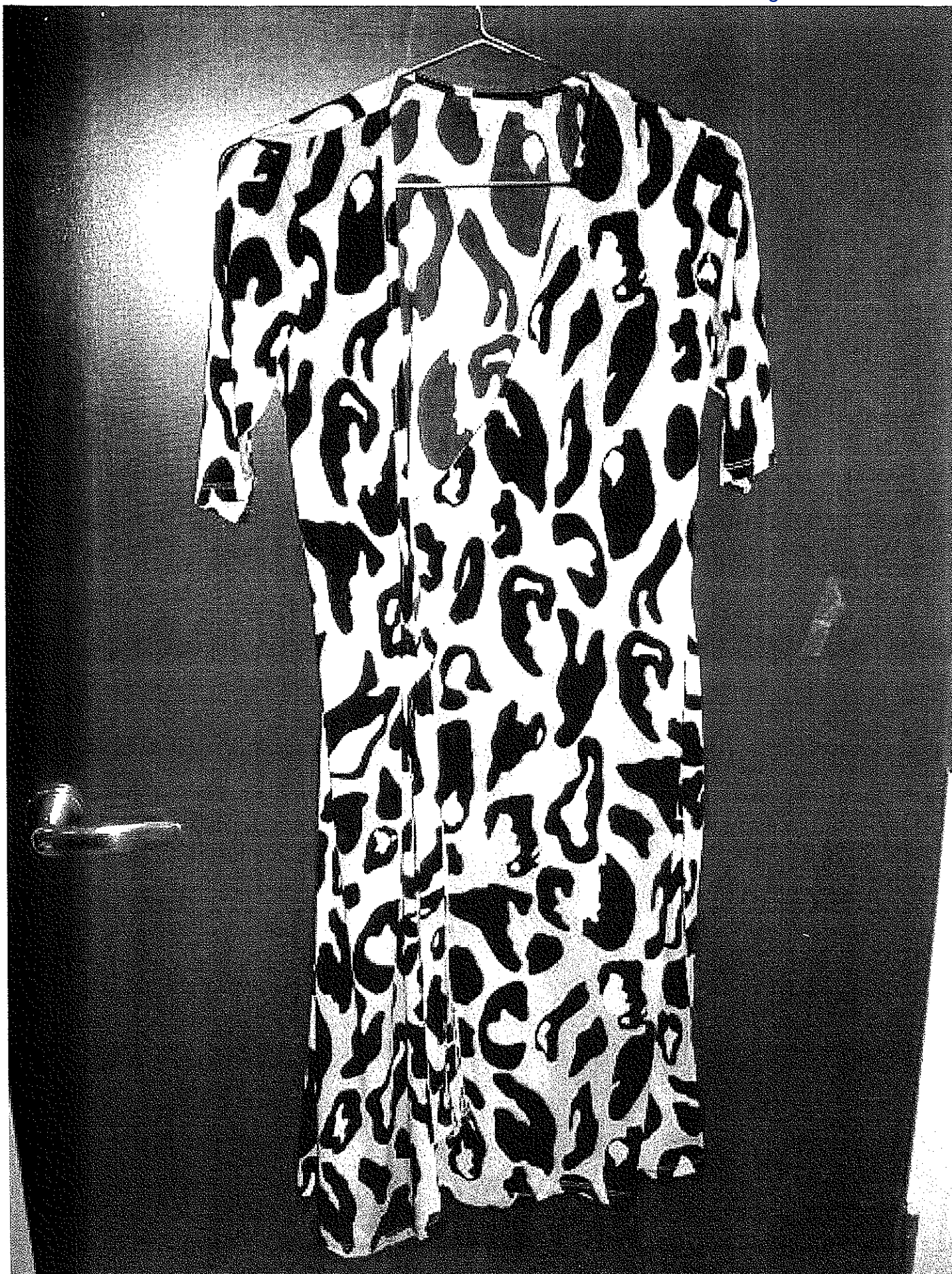




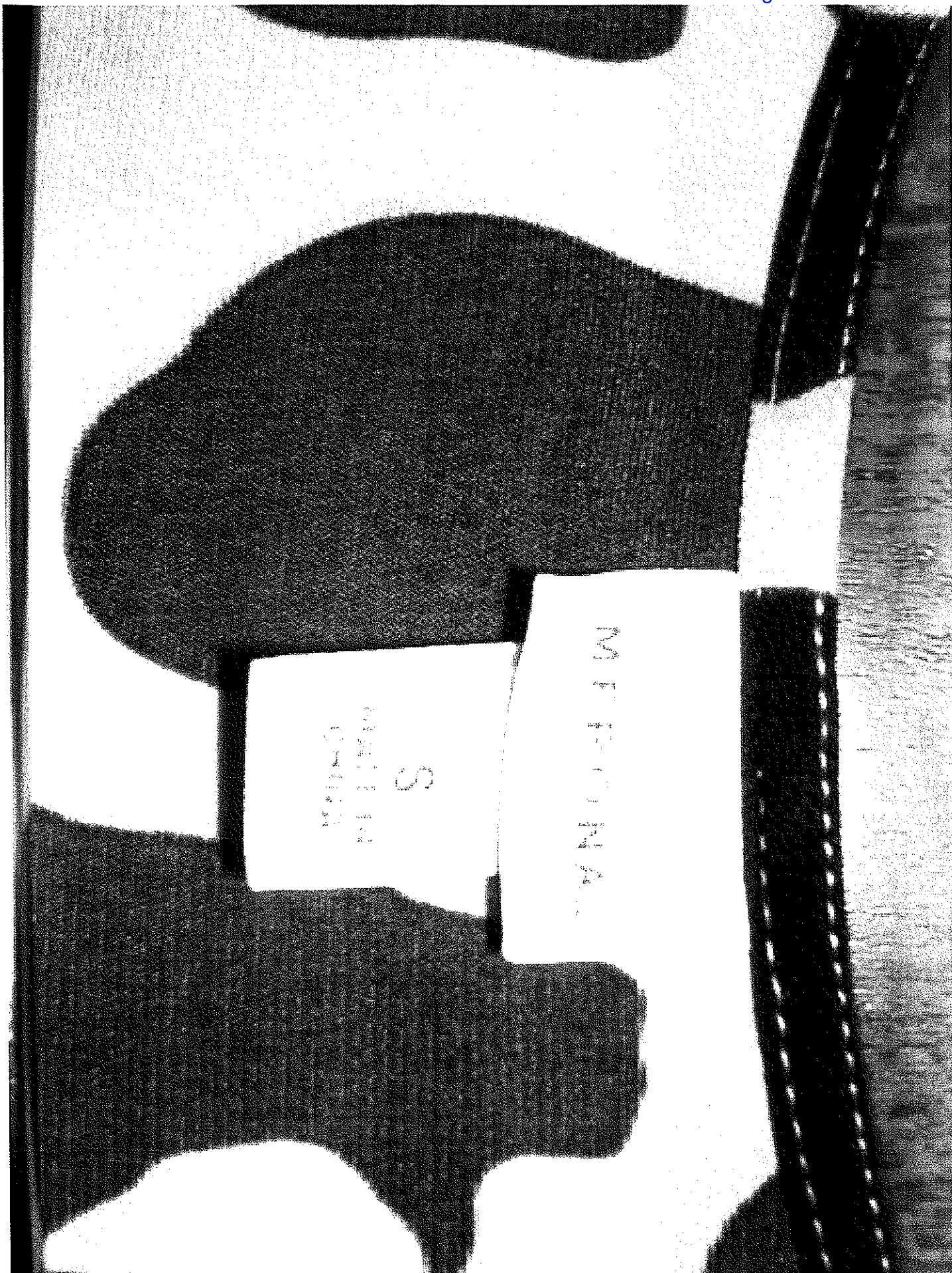


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# EXHIBIT F

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## Merona® Wrap Dress - Animal Print

new  
**\$24.99**

X-Small: \$24.99

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## FEATURES DESCRIPTION ADDITIONAL INFO SHIPPING INFO

- Wrap Dress
- Elbow Sleeve, V-Neck
- Tie Waist, Pull-On Design
- Made of 100% Polyester; Machine Wash



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★★★★★ Super Cute - Great Style!, January 17, 2008

Reviewer: Allamoda "Allamoda" (Los Angeles, CA) - [See all my reviews](#)

This is a great dress for curvy figures. I love the print - it is very similar to a print that DVF had last Spring/Summer. It elongates the body, and the tie on the side is cute. I felt that the dress ran a little large, so try one size... [read complete review](#)

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Merona® Wrap Dress - Animal Print : Target

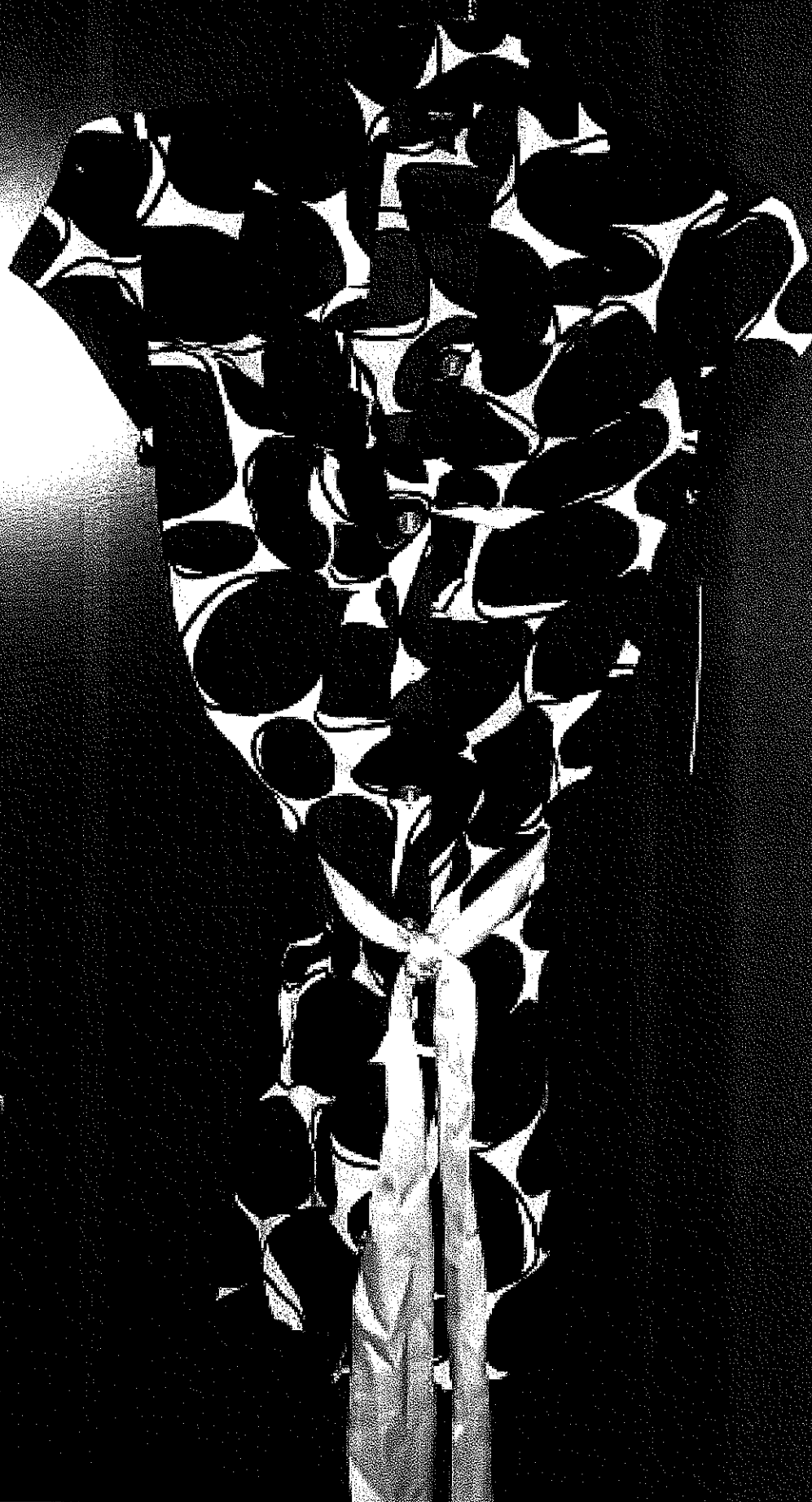
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<http://www.target.com/Merona-Wrap-Dress-Animal-Print/dp/B000Y1JLQ/601-5005860-2768152?ie=UTF8&node=1104830&...> 1/18/2008

# EXHIBIT G







# EXHIBIT H





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Our Price: **\$14.99**



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Merona® Knit Wrap Dress  
- Asian Floral

Our Price: **\$24.99**



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**Mossimo® Black: Short-Sleeve Belted Tunic Top - Blue Egg**

**\$17.99**

Small: \$17.99

Quantity:

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FEATURES | DESCRIPTION | ADDITIONAL INFO | SHIPPING INFO

- Cap-Sleeve Classic, Basic Tunic
- Made of 100% Cotton
- Machine Wash Cold, Tumble Dry Low
- Prepare to Turn Heads in this

See Features and Additional Info for more details.

- [Return policy](#)
  - Catalog # : 10694900 ASIN: B000WCUNXA
  - Item can not be gift wrapped.
  - Imported
- 
- [Shipping & Delivery Information](#)
  - We regret that this item cannot be shipped to PO Boxes.

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Mossimo® Black: Short-  
Sleeve Shirt with Tie -  
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28W/30W: \$19.99

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free shipping with  
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Merona® Knit Wrap  
Dress - Asian Floral

Our Price: **\$24.99**

Availability :

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FEATURES	DESCRIPTION	ADDITIONAL INFO	SHIPPING INFO
----------	-------------	-----------------	---------------

- Short-Sleeve Dress Shirt
- Made of 100% Cotton
- Pointed Collar
- Button-Down Closure
- Features Gathered Accents
- Machine Wash Cold, Tumble Dry Low

See Features and Additional Info for more details.

- Return policy
- Catalog # : 10723022 ASIN: B000XSJ08S
- Item can be gift wrapped.
- Imported

- Shipping & Delivery Information
- We regret that this item cannot be shipped to PO Boxes.

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